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12 ACTUATE CORPORATION

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14
15 UNITED STATES DISTRICT COURT
16 NOTHERN DISTRICT OF CALIFORNIA

17 ACTUATE CORPORATION, a Delaware
18 corporation

19 Plaintiff,

20 v.

21 INTERNATIONAL BUSINESS MACHINES
CORPORATION, a Delaware corporation, MRO
22 SOFTWARE, INC., a Massachusetts
corporation,

23 Defendants.
24

Case No. CV-09-5892-JCS

**STIPULATION FOR DISMISSAL OF
ENTIRE ACTION WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)(A)(ii)**

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2 **TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR**
3 **ATTORNEYS OF RECORD:**

4 Pursuant to a Settlement Agreement dated September 28, 2010 by and among the parties
5 to this action – that is, Plaintiff ACTUATE CORPORATION, on the one hand, and Defendants
6 INTERNATIONAL BUSINESS MACHINES CORPORATION, and MRO SOFTWARE, INC,
7 on the other hand – and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) the parties HEREBY
8 STIPULATE:

9 This entire action should be and hereby is dismissed with prejudice as against each and
10 every defendant, with each party bearing its own fees and costs.

11 Respectfully submitted,

12 Dated: September 30, 2010

FENWICK & WEST LLP

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14 By: Rodger R. Cole
15 Rodger R. Cole (Bar No. 178865)
16 Attorneys for Plaintiff
ACTUATE CORPORATION

17 Dated: September 30, 2010

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CORPORATION and MRO SOFTWARE, INC.

25 Dated: 9/30/10

